

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

SAMUEL HOUSTON)	
Plaintiff)	
)	
v.)	CASE NUMBER 1:06-cv-243-MEF
)	
ARMY FLEET SERVICES, L.L.C.,)	(JURY DEMAND)
Defendant)	

MOTION TO QUASH SUBPOENAS

COMES NOW THE PLAINTIFF, by and through undersigned counsel, and submits his Motion to Quash non-party subpoenas to various medical providers for the plaintiff in this matter, to wit:

Dr. T. R. Naryanswamy
96th MDOS/SGOMI
307 Boatner Road, Ste. 114
Eglin AFB, FL 32542-1282

Sharon A. Wise, LMHC
Pattison Professional Counseling Center, Inc.
259 E. Oakdale Avenue
Crestview, FL 32539

Dr. Timothy J. Kosmatka
96th MDG/SGSTO
307 Boatner Road, Ste. 114
Eglin AFB, FL 32542-1282

Dr. Juan Cruz
Internal Medicine Clinic
96th MDG/MDOS/SGOMI
307 Boatner Road, Ste. 114
Eglin AFB, FL 32542-1282

Krista Kesey
Internal Medicine Clinic
96th MDG/MDOS/SGOMI
307 Boatner Road, Ste. 114
Eglin AFB, FL 32542-1282

The defendant's request to each of these medical providers is for: *Any and all records, privileged and confidential, including any records relating to drug and/or alcohol abuse/treatment, communications with psychiatrists or psychologists, any and all medical records or reports, "Confidential" medical records or documents, Medicare records or reports, notes, physician's orders, nurses' notes, MRI reports, prognosis and diagnoses, office notes, emergency room records, inpatient records, outpatient records, history and physical examination records, prescription records and reports, consultation reports, x-ray reports, admission summaries, discharge summaries, radiology reports, physical therapy reports, electronic mail, a complete copy of the patient's chart or records, bills or invoices for services rendered, notes, intake forms, questionnaires, reports, surgical notes, dictation, laboratory tests, test results, X-ray films, radiographs, sonographs, images, memoranda, correspondence, excuses from work or other activities, documents relating to work restrictions, limitations, and abilities, telephone messages, appointment books, calendars, and daytimers referencing Mr. Houston, notes of telephone conversations referencing Mr. Houston, and any documents provided to or received from any medical, disability, or other insurance carrier, and any other document or information, without limitation, relating to the patient, and any and all other written material contained in your file, in your possession, or under your control relative to the care, treatment and confinement at any time whatsoever of **Samuel P. Houston; Social Security Number: [REDACTED]; DOB: [REDACTED]*** (Emphasis in the original)

Plaintiff objects to these subpoenas on the grounds that they are overbroad and seek release of personal and privileged information which is not relevant to the claims or defenses in this lawsuit.

WHEREFORE, these premises considered and for other such just cause as the Court may in its discretion find, the plaintiff moves this Honorable Court to Quash the defendant's non-party subpoenas issued to the individuals and/or entities listed above. In the alternative, the plaintiff moves this Honorable Court for a protective order limiting the scope of said subpoenas to matters related to the issues in this suit.

Respectfully submitted this 16th day of January 2007.

/S/ JIMMY JACOBS

JIMMY JACOBS (JAC051)

Attorney for Plaintiff

143 Eastern Boulevard

Montgomery, Alabama 36117

(334) 215-1788

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using CM/ECF system and service will be perfected upon counsel of record following this the 16th day of January, 2007.

/s/JIMMY JACOBS

Jimmy Jacobs (JAC051)

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